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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-M-223

14 May 1979

Minutes
Two Hundred and Twenty-first Meeting
Wednesday, May 9, 1979, 1000-1200 Hours
Room 7D32, Langley Headquarters Building

Robert W. Gambino
Chairman
Presiding

25X1A
MEMBERS PRESENT

25X1A
[REDACTED] Defense Intelligence Agency
Mr. Merrill T. Kelly, Department of the Army
Mr. D. Jerry Rubino, Department of Justice
Mr. David Ryan, Federal Bureau of Investigation
Mr. Dennis Southern, Department of the Treasury
[REDACTED] Central Intelligence Agency
Mr. George Weisz, Department of Energy
Mr. Richard L. Welch, Department of the Navy

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ALTERNATES PRESENT

[REDACTED] National Security Agency
Mr. Robert B. Finzel, Federal Bureau of Investigation
[REDACTED], National Security Agency
Mr. David Humphrey, Department of the Treasury
Mr. David McCabe, Department of State
Mr. Lawrence Myers, Department of the Air Force
Lt. Col. Ernest Z. Peterson, Department of the Air Force
Mr. Charles Torpey, Department of the Air Force

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WARNING NOTICE
INTELLIGENCE SOURCES
AND METHODS INVOLVED

ORIGINAL CL BY Signer
☐ DECL ☒ REVW ON 15 May 99
EXT BYND 6 YRS BY Signer
REASON 1.1.1.70-2.9b(1).9c(3)

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ALSO PRESENT

25X1A Mr. Maynard Anderson, Department of Defense (ODUSP)

25X1A [REDACTED] Central Intelligence Agency

Mr. Cyril F. Frank, Drug Enforcement Agency

[REDACTED], Chairman, Security Awareness Working Group

25X1A [REDACTED] Central Intelligence Agency

25X1A Mr. Maclyn Musser, Department of State

Mr. William H. Randolph, Department of Commerce

[REDACTED] National Security Agency

25X1A [REDACTED] National Security Agency

Mr. Roger Smith, Department of the Air Force

Mr. Donald Stigers, Department of State

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PRELIMINARY REMARKS

25X1A 1. The Chairman opened the meeting by introducing [redacted] of NSA's Office of General Counsel, the chairman-designate of the Committee's component responsible for unauthorized disclosures; [redacted] of CIA's Office of General Counsel; and Lt. Col. Ernest Peterson, the Air Force alternate, representing his department for this meeting. (U) 25

2. The Chairman noted that the staff, pursuant to agreement by the members at the March conference, had prepared a first draft revision of DCID 1/11. He said this had been sent to subcommittee chairmen, and advised that their comments would be used in preparing a second draft which would be circulated to Committee members. (U)

25X1A 3. The Chairman advised that [redacted] had reported for duty with the Community Security Group as the head of the personnel security branch. Mr. Gambino welcomed [redacted] to the Committee staff. (U) 25

4. The Chairman noted that the members' consensus at the April meeting had been to continue to strive for a central index of SCI denials. He advised of a staff suggestion that members provide the Community Security Group over a three-week period the names of persons their agencies turn down for SCI access. Mr. Gambino said this would enable us to size the problem, and assess whether the benefits of having such a list would outweigh anticipated problems associated with it. Discussion surfaced concerns about compilation of such a list, and showed that it would not be practicable to have one agency maintain an informal roster of SCI denials and run checks against it as a test exercise in connection with National Agency Checks being conducted on persons considered for SCI access. Mr. Gambino advised that he was withdrawing the staff suggestion in view of member comments. (FOUO)

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5. The Chairman advised members that the FBI was moving ahead on arrangements for an informational briefing on Freedom of Information Act matters. He said this would be open to Intelligence Community personnel concerned with processing FOIA requests and with classification management, as well as security personnel. Mr. Gambino noted that the target date was mid-June, and that details on time and place would be provided later. (FOUO)

6. Mr. Gambino referred to a recent letter to the DCI from Chairman Boland of the House Intelligence Committee expressing concern about the apparent wide dissemination of a Defense publication containing operational data on technical collection systems. Mr. Gambino noted that the DCI's reply stated the need to protect sensitive sources and methods, and advised that he was asking Secretary Brown to respond directly to Chairman Boland's concerns. Mr. Gambino suggested to members that they might wish to ensure that their agencies maintained thorough security control over any copies of this publication they received. He identified it as the Top Secret codeword supplement to the "DoD Plan for Intelligence Support to Tactical Forces Capabilities Handbook." [REDACTED] advised that other publications of equal or greater sensitivity had recently been distributed relatively widely. Mr. Gambino asked him to provide the titles to the Committee staff. Mr. Anderson said efforts were underway in Defense to tighten security controls over dissemination of sensitive intelligence source and method data. (FOUO)

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7. The Chairman noted that misconceptions had apparently arisen over CIA's role associated with zero base reviews of SCI accesses held by contractor personnel. He referred to the 15 December 1978 memorandum by the Chairman of the Compartmentation Subcommittee advising of that body's cognizance of CIA's offer to collect, during visits to contractor facilities, data on SCI accesses by granting agency and to forward such information to the sponsoring agency for validation. Mr. Gambino said CIA personnel were now instructed not to ask for data on NSA granted accesses during visits to contractors. He advised that CIA personnel visiting contractors would still perform the collection and referral function for those member agencies which wanted to avail themselves of this service. [REDACTED] suggested that it would be helpful for CIA's Compartmented Information Branch to check with other agencies before visits began to ensure that this CIA service was still desired. (FOUO)

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25X1A 8. The Chairman advised that the Director of the Information Security Oversight Office (ISOO) had recently written the DCI soliciting his views on the most appropriate intervals between declassification reviews of information bearing on intelligence sources and methods. Mr. Gambino noted that a draft of the reply to Mr. Blouin was at members' places, and asked that they review it and provide their comments by May 15th. [REDACTED] said the draft had been coordinated with and reflected the views of Mr. Allan Thompson, National Archives. (U)

9. The Chairman invited members' attention to the Secretary's Notes at their places. These provide information on the security procedures to be used for the Foreign Intelligence Surveillance Court. (U)

25X1A 10. The Chairman advised that a videotape had been made of the Attorney General's 8 May presentation at CIA on "intelligence and the legal system." He said members wanting to see it should contact [REDACTED] Chairman of the Security Awareness Working Group. (U)

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ITEM 1: Approval of Minutes

There being no changes requested, the Chairman advised that the minutes of the 11 April meeting were approved as written. (U)

ITEM 2: Reports of Working Group Chairmen

25X1A a. Security Awareness - [REDACTED] noted that progress on the draft "minimum standards for security awareness programs" was contingent on receipt of responses from Community agencies. He said two agencies were yet to be heard from in this regard. [REDACTED] advised that his working group expected to have completed by the end of May a strawman version of the proposed security orientation for senior officials. (U) 25X



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ITEM 3: Unauthorized Disclosure Procedures

25X1A Mr. Gambino noted that [REDACTED] of NSA had been nominated by Admiral Inman and accepted to chair the Committee's Unauthorized Disclosure Group. Mr. Gambino advised that we were following up on Committee agreement at the March conference to raise the group to full subcommittee status. He said [REDACTED] was working on a draft charter to be an attachment to DCID 17/11. Mr. Gambino then asked [REDACTED] to brief members on recent NSC Special Coordination Committee (SCC) actions bearing on unauthorized disclosures ("leaks"). [REDACTED] advised that the CIA General Counsel and the Attorney General had met recently to discuss investigation of leaks in connection with SCC review of an issues paper on security. The Justice view stated during this discussion apparently was they would not investigate leaks but would investigate crimes. [REDACTED] said Justice seemed to believe that serious leaks could be considered criminal under either section 793 or 798 of Title 18, US Code. He noted that Justice apparently wishes to avoid the confrontations with the press they see as inevitable in investigations of leaks. A potential problem for the Community in the Justice approach is that action on leaks will tend to be more a function of the degree of criminality seen in them by Justice than of the degree of seriousness seen in terms of damage to intelligence sources and methods. (FOUO) 25X

Mr. Gambino suggested the need for a quick-acting mechanism to review leaks and determine which are really damaging so that we can refer to Justice for investigation only those which are truly significant. (FOUO)

25X1A [REDACTED] said his review of suggested tasking for his subcommittee led him to believe that their charter should be broadened to cover disclosures resulting from any cause, to include espionage, negligence and losses caused by violence involving US installations. With regard to leak investigations, he said he believed Justice would be responsive to widely shared concerns, and he suggested we approach leak cases along the lines proposed by Mr. Gambino with the referrals having the full backing of the Intelligence Community. [REDACTED] said he saw a continuing need for Community agency heads to refer to Justice under section 1-707 of E.O. 12036 "cases involving serious or 25X

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continuing breaches of security," but that all such referrals should be accompanied by lateral advice to the Security Committee to ensure continuing cognizance of the scope of the problem. He suggested the need for a common reporting format, and for the new subcommittee to monitor legislative proposals bearing on disclosures. [REDACTED] said he believed better procedures were needed to handle authorized disclosures to ensure that sensitive source and method data was not inadvertently released with intelligence product. He said he was concerned about the impact on sources and methods of the large number of leaks relating to SALT verification. [REDACTED] recommended that the new charter for the subcommittee make it very clear that agencies are both authorized and expected to investigate leaks of internal origin. He suggested that the new subcommittee's membership should include attorneys as needed to deal effectively with legal issues. (FOUO)

In subsequent discussion, members agreed that the new subcommittee should be tasked to consider all disclosures of intelligence whether arising from leaks or otherwise. The need for flexibility was noted in order to respond effectively to cases as new information is developed and new factors come to light. Mr. Gambino said our system would have to be responsive both to the Community and to tasking on us individually by our respective agency superiors. He suggested that damage assessments in significant cases be prepared in the light of impact on the whole Community, and that follow-ups be made to ensure that findings are updated to reflect subsequent events caused or influenced by disclosures. [REDACTED] suggested that evaluations of leaks address the extent of dissemination of the compromised information and other factors which would logically impact on the likelihood of successful investigation. Mr. Ryan, FBI, suggested that the Committee address the issue of investigations for deterrent purposes, noting that the case for such would have to be carefully presented in view of Justice's reluctance to authorize investigations for other than prosecutive objectives. [REDACTED] noted that Justice had prepared written analyses on section 1-707 of E.O. 12036, and on when leaks may be held criminal under section 793 of Title 18. In closing, it was noted that the Unauthorized Disclosures Group was to draft a subcommittee charter for later review and approval at a senior level; and was to operate in the interim to evaluate and propose action on serious leaks of Community concern. (FOUO)

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ITEM 4: Revision of DCID 1/7

Mr. Gambino noted that a draft revision of this DCID had been distributed to members with a request for their agencies' concurrence or comments at this meeting. He advised that the issue of concern to NSA about the marking specifying foreign releasability of documents had been resolved. The agreed new language was provided members by Mr. Gambino's memorandum of 8 May 1979 which was distributed at the meeting. (FOUO)

25X6 Mr. Gambino advised that the DCI had expressed his clear preference for [REDACTED]

[REDACTED] He asked members for their views on how this matter should be addressed in the DCID. Mr. Anderson, Defense, said his office did not believe that the Directive should authorize a "NOFORN" marking as its use had the unfortunate effect of leading some persons to conclude that material not so marked was releasable to foreign governments. He proposed that paragraph 6e of the draft DCID, establishing the "NOFORN" marking, be deleted. Members were in general agreement with this, subject to further coordination. Mr. Welch, Navy, suggested changes in those sections of the draft bearing on the "Warning Notice" and the "ORCON" markings. It was agreed that the staff would prepare a new draft reflecting necessary revisions. (FOUO)

ITEM 5: Personnel Security Standards

Mr. Gambino advised that arrangements had been made for Mr. McCabe to brief Mr. Latimer, House Intelligence Committee Staff Director, on personnel security standards and issues. (The results of that briefing were provided members by copies distributed at the meeting of Mr. McCabe's memorandum dated 4 May 1979.) Mr. McCabe said the House Committee planned a public hearing on this subject for the purpose of identifying issues, with the apparent expectation that this approach would facilitate their resolution through the offer of Congressional assistance. He noted that Mr. Latimer seemed particularly interested in problems arising from expungement of files, and concerned as well about the general decline in quality of some

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types of sources and the handling of cases involving drug abuse and homosexuality. Mr. McCabe advised that Ms. Betsey Keyes of the House Committee staff was actively working on this subject area. Mr. Ryan suggested that members take note that limits placed on FBI collection and retention of data on certain organizations and activities meant that checks of FBI records might not surface information of possible security significance. (FOUO)

ITEM 6: Next Meeting

Mr. Gambino advised that Admiral Inman's invitation to hold the next Committee meeting at NSA had been accepted. He asked for members' views on what they preferred among several choices of possible agendas for the meeting. The consensus favored a very brief business agenda with most of the meeting devoted to a briefing by [REDACTED] of NSA on technical security threats. Mr. Gambino requested that the tentative meeting date of June 6th be maintained if no other date in June permitting him to attend would fit the schedules of NSA personnel involved. (C)

25X1A In subsequent discussion with NSA personnel, the next meeting was set for 10:00 a.m., Wednesday, 6 June 1979, at NSA Headquarters. After introductory remarks by Admiral Inman, [REDACTED] will brief the Committee. Details on clearance requirements and data on parking and logistic arrangements will be provided later. (FOUO)

[REDACTED]

Executive Secretary

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Distribution:

Col. Herbert Kamm, Air Force

Mr. Merrill T. Kelly, Army

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Mr. George Weisz, DOE

Mr. David Ryan, FBI

Mr. Jerry Rubino, Justice

Mr. Cyril Frank, DEA

Mr. R. L. Welch, Navy

25X1A

Mr. Karl Ackerman, State

Mr. Dennis Southern, Treasury

Mr. Donald Stigers, State

Mr. Maynard Anderson, Defense

Mr. William Randolph, Commerce

25X1A

Mr. David McCabe, State

Dr. Philip Eckman, CIA

25X1A

Mr. Verne F. St. Mars, State

SECOM Staff

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*FILE Committees 14

22 MAY 1979

SECOM-D-530

MEMORANDUM FOR: Members, DCI Security Committee

FROM: Robert W. Gambino *R.W.G.*
Chairman

SUBJECT: IMPACT OF FREEDOM OF INFORMATION ACT
ON INTELLIGENCE COMMUNITY AGENCIES

At the April 11, 1979, Security Committee (SECOM) meeting, it was agreed that a special meeting would be held to more fully discuss the impact of the Freedom of Information Act (FOIA) on Intelligence Community agencies. Arrangements have been completed for a special meeting to be held June 19, 1979, at Federal Bureau of Investigation Headquarters (FBIHQ), Washington, D. C. This meeting, hosted by the FBI under the auspices of the SECOM, is to be attended by SECOM members and other appropriate individuals from the agencies represented by the SECOM.

A copy of the agenda is enclosed for your information. Please advise Dan Downum, Special Agent, FBI, of the names of individuals from your agency that will be attending so that appropriate clearances (TS) may be verified and final arrangements completed which are contingent upon the total attendance.

Any questions or suggestions you have should be referred to Mr. Downum, coordinator for this special meeting, at (202) 324-3567. Also enclosed is a leaflet providing pertinent information regarding meeting site, telephone numbers and other helpful information.

Because of time limitation, only a limited number of presentations will be made at this meeting. However, if sufficient interest is exhibited, perhaps additional, similar presentations may be scheduled in the future.


Enclosure

OS REGISTRY
***FILE** *Committees 141*

19 JUNE 1979

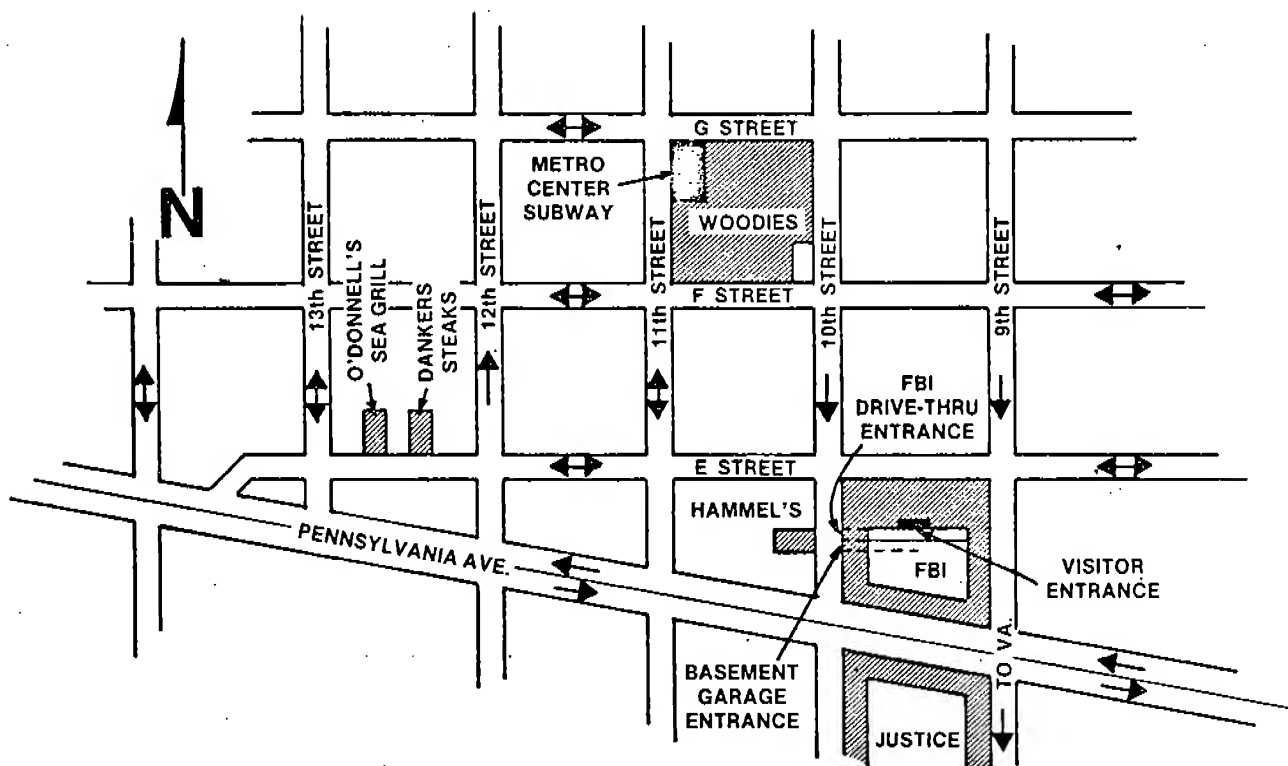
IMPACT OF
FREEDOM OF INFORMATION ACT
ON
INTELLIGENCE COMMUNITY AGENCIES

STATINTL

0900 - 0915	Registration and Welcome
9015 - 0945	 CIA, Administration and Operational Problems
9050 - 1020	Thomas H. Bresson, FBI, Administration and Operational Problems
1025 - 1040	Break
1040 - 1110	Captain Karen McClellan, U.S. Army, Vulnerabilities of Sensitive Information
1115 - 1145	Dan Downum, FBI, Vulnerabilities of Sensitive Information
1145 - open	General Discussion and Adjournment

IMPACT OF FREEDOM OF INFORMATION ACT
ON INTELLIGENCE COMMUNITY AGENCIES
FBI HEADQUARTERS AUDITORIUM
ROOM 1427

19 JUNE 1979, 0900



FBI HEADQUARTERS: Enter the FBI Building at 10th Street (one-way south) at the drive-through entrance. Escorts will be available at this location to assist in parking, obtaining visitor identification passes, and to bring you to the FBI Auditorium, Room 1427.

Lunch: If you desire to use the FBI cafeteria, check with one of the representatives or escorts. Hammel's Restaurant, with excellent food, is directly across 10th Street from the FBI drive-through entrance, O'Donnell's Sea Grill, which specializes in sea food (try the Scallops Norfolk), and Danker's, which is renowned for steaks, are within three blocks.

Tours or Visits: If you desire a tour of the Records Management Division or other areas of the building, or if you desire a special tour through the public facilities, notify the FBI representative or escort. If you want to visit with anyone at FBI Headquarters, the FBI representative will assist you.

Telephone: During the special meeting, you can be reached through FBI telephone number 324-2670. If you experience any problem, notify the FBI Security Office at 324-4901.

